

UNDERSTANDING AN IDENTITY THEFT REPORT

What is an Identity Theft Report?

An Identity Theft Report is an official, valid law enforcement report that alleges the consumer's identity theft. To discourage false filings, the Identity Theft Report must also expose the consumer to criminal penalties for filing false information. The Report should contain as much specificity about the identity theft as the victim can provide.

How do I obtain an Identity Theft Report?

To ensure that adequate detail is included in your Identity Theft Report, it is suggested that you (1) complete the Identity Theft Universal Complaint and Affidavit form available at www.ftc.gov/idtheft through the Complaint Assistant program, (2) print a copy of the completed form ("ID Theft Affidavit"), and (3) bring a copy of the completed ID Theft Affidavit to the police for inclusion in your report. A police report that includes the victim's ID Theft Affidavit creates an Identity Theft Report because it provides sufficient detail and assurances of legitimacy. However, any law enforcement report with a detailed account of the crime may be an Identity Theft Report.

Not all states require the police to take a report from an identity theft victim. If you are unable to obtain a report, you should provide the police with a copy of the Federal Trade Commission's memorandum to law enforcement on the importance of writing a police report for victims of identity theft, available at www.ftc.gov/bcp/edu/microsites/idtheft/downloads/memorandum.pdf. If you are unsuccessful with your local police, attempt to make a report with another law enforcement agency such as the state police, sheriff, district attorney, or state attorney general. If you are unable to get any law enforcement agency to take your report, a section of the ID Theft Affidavit allows you to indicate this fact.

How do I use the Identity Theft Report?

You can use your Identity Theft Report to invoke many of the rights granted to identity theft victims under the Fair Credit Reporting Act.

- *Blocking fraudulent information from a credit report:* You can stop a consumer reporting agency ("CRA") from reporting information about you that is the result of identity theft by submitting your Identity Theft Report to the CRA. The CRA may ask for additional documentation to verify the validity of your request, such as your driver's license.
- *Preventing a company from refurnishing fraudulent information to a CRA:* Once a company is informed by a CRA that you filed an Identity Theft Report and it has blocked the information it furnished, the company is prohibited from ever refurnishing that information to a CRA again. You can obtain the same prohibition if you file an Identity Theft Report directly with the company. FCRA § 623(a)(6), 15 U.S.C. § 1681s-2 (a)(6).

- *Preventing a company from selling or placing for collection debts that result from identity theft:* Once a company is informed by a CRA that you filed an Identity Theft Report and it has blocked your account, the company is prohibited from selling, transferring, or placing for collection that debt.
- *Placing an Extended Fraud alert:* An extended fraud alert requires potential creditors to contact you by phone or in person to verify the identity of a person applying for credit in your name. An extended fraud alert remains on your report for seven years. For purposes of obtaining an extended fraud alert, an automated police report, as opposed to a more detailed report, is sufficient. A completed copy of the ID Theft Affidavit, if filed with the FTC and signed by you, is also sufficient for an extended fraud alert.
- *Getting documents from businesses:* You have the right to obtain documents related to fraudulent transactions resulting from identity theft. These records can be obtained by submitting your ID Theft Affidavit and police report, along with proper proof of identification, to the company where the fraudulent transaction occurred.

What if I don't want to file a report with the police?

If you chose not to file a report with the police, you may be able to use the ID Theft Affidavit to affect some, but not all, of your rights.